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### REMARKS

Claims 1-11 are pending in the present application. Reconsideration is respectfully requested for the following reasons.

In the Office Action, the Examiner has indicated that claims 1-5 are allowed and claim 7 would be allowed if rewritten into independent form. Applicant would like to thank the Examiner for that notification.

In the Office Action, the specification has been objected to for not including the patent number of the priority document. However, an amendment was made in the paper filed February 12, 2004 inserting the patent number of the priority document into the present application. Accordingly, Applicants submit that the objection to the specification should be withdrawn.

Applicants note that French Patent 766186 and French Patent 40075 were crossed off from the Information Disclosure Statement filed with the application as not having been considered. However, Applicant is unable to easily locate English abstracts of these French references. Nonetheless, the French references are believed to be of minimal relevance, and therefore Applicants are not inclined to translate the references. Applicants appreciate that the Examiner has placed them in the file.

Claims 1 and 2 have been objected to for including informalities. Claims 1 and 2 have been amended to correct the noted informalities. Accordingly, Applicant submits that claims 1 and 2 no longer have informalities.

Claims 6 and 8-11 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,758,507 to Tarahomi et al. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of establishing a prima facie case of anticipation based upon the prior art. *In re Sun*, 31 U.S.P.Q.2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Applicants respectfully assert that the Examiner has not yet met his burden of establishing a prima facie case of anticipation with respect to the rejected claims.

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Claim 6 defines a bumper system including a bumper beam having a face surface and an energy absorber engaging the face surface. The energy absorber has an elongated non-foam injection-molded component with at least three longitudinally-spaced enlarged sections and a plurality of foam sections attached to the molded component between the enlarged sections. The enlarged sections are each box-shaped and have a hollow interior space, and each include a front wall with marginal material forming an opening therein.

The prior art of record does not disclose or suggest the above-noted features of claim 6. Specifically, the Tarahomi et al. '507 patent does not include an energy absorber having an elongated non-foam injection-molded component with at least three longitudinally-spaced enlarged sections and a plurality of foam sections attached to the molded component. First, the Tarahomi et al. '507 patent does not disclose that the integrated cylindrical cell matrix 214 is injection molded and Applicants submit that it could not be injection molded. Second, the Tarahomi et al. '507 patent does not disclose a plurality of foam sections. The foam portion 204 is one piece. Finally, the Tarahomi et al. '507 patent does not disclose an elongated non-foam injection-molded component with a large section that has front walls. Specifically, the cylindrical cell matrix 214 does not have a front wall. Accordingly, claim 6 is in condition for allowance.

Claim 8 defines a bumper system including, among other things, a bumper beam having a face surface and an energy absorber engaging the face surface. The energy absorber includes at least one non-foam section and at least one foam section, the at least one non-foam section having a rear wall and a front wall. The rear wall of the non-foam section abuts the face surface of the bumper beam, and the foam section covers at least a portion of the front side of the non-foam section.

The prior art of record does not disclose or suggest the above noted features of claim 8. Specifically, the Tarahomi et al. '507 patent does not disclose or suggest an energy absorber having at least one non-foam section having a rear wall and a front wall. The cylindrical cell matrix 214 does not have a front wall. Accordingly, claim 8 is in condition for allowance. Furthermore, claims 9 and 10 depend from claim 8 and since claim 8 defines unobvious

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patentable subject matter, claims 9 and 10 define patentable subject matter. Accordingly, claims 8-10 are in condition for allowance.

Claim 11 defines a bumper system including, among other things, a bumper beam having a face surface. An energy absorber engages the face surface, and includes at least one non-foam section and at least one foam section, the at least one non-foam section having a rear side and a front side, the rear side of the non-foam section abutting the face surface of the bumper beam. The foam section covers at least a portion of the front side of the non-foam section and the foam section covers at least a portion of a top and bottom side of the bumper beam.

The prior art of record does not disclose or suggest the above noted features of claim 11. Specifically, the Tarahomi et al. '507 patent does not disclose a foam section that covers at least a portion of a top and a bottom side of a bumper beam. According to the Office Action, the Tarahomi et al. '507 patent discloses a bumper beam 202 and an energy absorber with a foam section 204. However, it is clearly shown in Fig. 10 of the Tarahomi et al. '507 patent that the foam portion 204 of the bumper system 200 does not cover a top and bottom side of the beam 202. Accordingly, claim 11 is in condition for allowance.

All pending claims 1-11 are believed to be in condition for allowance, and a Notice of Allowability is therefore earnestly solicited.

Respectfully submitted,

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Date

1/19/05

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